REMARKS

This is in response to the Office Action mailed February 22, 2006. In the Office Action, claims 1-25 and 37-39 were pending and were rejected. Specifically, claims 1, 12 and 37, i.e. all independent claims, were rejected under 35 U.S.C. 102(e) with reference to U.S. patent application 2003/0012545 of Bellman; and claims 2-11, 13-25, 38, and 39, i.e. all dependent claims, were rejected under 35 U.S.C. 103(a), also with reference to Bellman, combined with knowledge in the art.

Claim 1 has been amended merely to remedy a typographic error.

BELLMAN DOES NOT TEACH CLAIM 1

The rejection of claim 1 was based on the purported disclosure of its subject matter in Bellman. However, claim 1 recites an invention that is novel and very different from Bellman.

For example, the Office Action asserts that the feedback system of Bellman receives an attenuation signal and outputs the information to control the displacement, with reference to paragraph 49, and that this allegedly anticipates a sensor disposed relative to the pair of waveguides to sense a variable that affects attenuation, and to provide a sensor output related to the variable. However, what Bellman discloses is that the feedback system may receive an attenuation signal that indicates the level of attenuation needed and a power signal that indicates the current power transmitted to the variable optical attenuator (¶49). Power signals from the input and output lensed fibers may be compared to determine if the desired level of attenuation is achieved. If not, the feedback system may further determine the amount by which the lensed fibers should be displaced to achieve the desired level.

The attenuation signal of Bellman is therefore merely the original control signal, and does not sense a variable that affects attenuation. The only feedback signal in Bellman is due to comparing the difference between power signals from the input and output lensed fibers. This difference in power does not affect attenuation though, but rather is affected by attenuation. On the contrary, claim 1 recites, in part, a sensor disposed relative to the pair of waveguides to sense a variable that affects attenuation, and provide a sensor output related to the variable, which stands in sharp contrast to merely sensing variables that are affected by attenuation.

This indicates substantial distinctions between claim 1 and the cited reference. Indeed, the cited reference involves costs and difficulties associated with the prior art as described in the background section of the present application, which are addressed by the new advantages provided by the present invention. The applicants therefore submit that claim 1 is novel and not obvious relative to the cited reference, and is presently in condition for allowance.

BELLMAN DOES NOT TEACH OR SUGGEST CLAIMS 2-25 OR 37-39

The rejection of claims 12 and 37 were also based on the purported disclosure of its subject matter in Bellman, similarly to the rationale for rejecting claim 1. Claims 12 and 37 are not taught or suggested by Bellman, due to at least to subject matter analogous to that of claim 1 as discussed above, that is not taught or suggested by the cited reference.

Similarly, claims 2-11, 13-25, 38, and 39 are not taught or suggested by the combination of Bellman with the general knowledge in the art, due at least to the novel and non-obvious aspects of their parent claims, as discussed above with reference to claim 1. Additionally, because much of the subject matter particular to these claims is directly involved in the

novel and non-obvious aspects of the parent claims, these claims include further novel and non-obvious elements over the cited reference.

In conclusion, Applicants respectfully submit that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: _____

Christopher R. Christenson, Reg. No. 42,413
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

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